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MARTIN & FERRARO, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632

Telephone
(330) 877-0700

Facsimile
(330) 877-2030

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TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3732

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/809,242

Gary K. Michelson

Filed: March 25, 2004

INSTRUMENTATION FOR USE WITH DYNAMIC
SINGLE-LOCK ANTERIOR CERVICAL PLATE
SYSTEM HAVING NON-DETACHABLY
FASTENED AND MOVEABLE SEGMENTS

Attorney Docket No. 101.0112-01000

Customer No. 22882

Confirmation No.: 6717

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 14

Date: October 24, 2005

Confirmation Copy to Follow: NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Information Disclosure Statement and Form PTO-1449 with 2 documents are being facsimile transmitted to the U.S. Patent and Trademark Office on October 24, 2005.



Sandra L. Blackmon

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PATENT
Attorney Docket No. 101.0112-01000
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OCT 24 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Gary K. Michelson, M.D.)	Confirmation No.: 6717
Serial No.: 10/809,242)	
Filed: March 25, 2004)	Group Art Unit: 3732
For: INSTRUMENTATION FOR USE WITH)	
DYNAMIC SINGLE-LOCK ANTERIOR)	
CERVICAL PLATE SYSTEM HAVING)	
NON-DETACHABLY FASTENED AND)	
MOVEABLE SEGMENTS)	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed non-U.S. patent documents are attached.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

English abstracts/translations of the non-English documents are enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claims in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to

present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: October 24, 2005

By: 

Thomas H. Martin

Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

OCT 24 2005

OMB 0651-0031

Substitute for FORM PTO-1449			Attorney Docket Number 101.0112-01000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION			Applicant Gary K. Michelson		Application Number 10/809,242	
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>			Filing Date March 25, 2004		Group Art Unit 3732	Examiner N/A
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,659,595	5/1972	Haboush			
	5,129,903	7/1992	Luhr et al.			
	5,234,431	8/1993	Keller			
	5,344,421	9/1994	Crook			
	5,470,333	11/1995	Ray			
	5,681,313	10/1997	Diez			
	5,713,900	2/1998	Benzel et al.			
	5,800,433	9/1998	Benzel et al.			
	5,843,082	12/1998	Yuan et al.			
	6,117,135	12/2000	Schlapfer			
	6,159,213	12/2000	Rogozinski			
	6,302,883	10/2001	Bono			
	6,410,519	6/2002	Gruskin et al.			
	6,533,786	3/2003	Needham et al.			
	6,602,256	8/2003	Hayes			
	6,605,090	8/2003	Trieu et al.			
	6,645,208	11/2003	Apfelbaum et al.			
	6,702,817	3/2004	Beger et al.			
	2002/0055741	5/2002	Schlapfer et al.			
	2003/0229348	12/2003	Sevrain			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	DE4007306	5/1991	Germany			English Abstract
	DE19542084	6/1997	Germany			English Abstract
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER			DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						